IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.2872/2003

PETITIONER : Ramji Ram, Age 44 years,
S/o Janglee Ram,
Retired IInd Grade Clerk, Kurja Under
Ground Project, Hasdeo Area,
At present residing at Village Kotasa
P.O. Durgawati, P.S. Durgawati,
Distt. Bhabhuwa (Bihar)

VERSUS

RESPONDENTS :
1. General Manager,
South East Coalfield Limited,
Bilaspur
2. Chief Personnel Manager,
Hasdeo Area, North Jhagarakhand
Koliary, South East Coalfield
Limited, Surguja
3. Deputy Chief Personnel Manager
Kurja Sub-Area Koliary, Post Bijuri,
Distt. Shahdol
4. Sr. Personnel Manager,
Kurja Sub-Area Koliary, Post Bijuri,
Distt. Shahdol
5. Deputy Personnel Manager,
Kurja Sub-Area Koliary, Post Bijuri,
Distt. Shahdol

R. No. 221/03
Presented by Shri K.U. Reema Kashyap
dated 10.09.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF ANY WRIT OR ORDER OR DIRECTION FOR ENFORCEMENT OF LEGAL FUNDAMENTAL RIGHTS

(40)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2872/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16-9-2003	

Shri G.K. Beriwal, counsel for the petitioner.

By this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks to challenge the order dated 25—1-2001 issued by the Deputy Chief Personnel Manager, Kurja sub area accepting the voluntary retirement of the petitioner which was served on the petitioner on 31st January 2001 and made effective from 1st February 2001.

The petitioner was working as Grade-II clerk in Kurja sub area and the petitioner under pressure had applied for V.R.S. which was accepted vide Annexures-P/1 and P/2. The petitioner moved an application for V.R.S. under pressure and compelling circumstances narrated in the foregoing paragraphs as the petitioner was not given promotion and moreover, the petitioner was the President of M.P. Koyala Shramik Sangh, Kurja and one Banshilal was the member of rival labour union and so he had a grudge against the petitioner. Banshilal was residing on the 1st floor whereas the petitioner used to reside on the ground floor and Banshilal was in the bad habit of drinking and picking up quarrels with his neighbour and fellow workers. On intervention by the petitioner, Baishilal used to abuse the petitioner and the apprehension of the petitioner came true when son of Banshilal, Dinesh attacked the petitioner and injured him severely. Dinesh Kumar was tried for the offence under Section 307 of the I.P.C. and convicted by the 2nd Additional Sessions Judge, Shahdol and sentenced for 7 years.

[पीछे देखिये

XI-HC-22

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioner requested before the authorities for his transfer from Kurja but the request of the petitioner was never heard, on the other hand those officers asked the petitioner to take voluntary retirement, therefore, the petitioner was compelled to move for V.R.S. The petitioner has no other alternative except to move for V.R.S. (Annexure-P/3) which was accepted vide Annexures-P/1 and P/2 with effect from 1st February 2001.

The petitioner moved for recalling of the order of V.R.S. on 30-6-2002, 23-10-2002 and 6th January 2003. The request of the petitioner has not been accepted by the authorities, therefore, a writ in the nature of mandamus or certiorari for quashing the impugned order accepting the V.R.S.(Annexures-P/1 &P/2) be issued.

I have heard the learned counsel for the petitioner.

The learned counsel for the petitioner submitted that since the petitioner took the V.R.S. under the compelling circumstances which has been mentioned in the writ petition, therefore, the concerned Authority ought to have accepted the request made by him through Annexures-P/6, P/7 & P/8, for recalling V.R.S. Annexures-P/1 and P/2.

I do not find any force in the argument of the learned counsel for the petitioner as the V.R.S. was already accepted and made effective from 1-2-2001 and around about one year and 5 months after the order of voluntary retirement the petitioner moved the representation for recalling the orders dated 25-01-2001 and 31-01-2001.

[पीछे देखिये

(42)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submitted that so far no retiral and V.R.S. benefits have been ~~appended~~ paid to the petitioner by the S.E.C.L. Authorities.

In the circumstances, in the writ jurisdiction no direction can be given. However, the petitioner is allowed to make a representation to the S.E.C.L. authorities within a period of 15 days and it is for the S.E.C.L. authorities if they find any substance in the representation of the petitioner then they are at liberty to recall their order if the circumstances and rules permit so.

With these observations, the writ petition is disposed of.

Consequently, M.(W.)P. No. 2633/2003 and I.A. No. 8598/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Bapre

[पीछे देखिये